

REMARKS

Claims 1-3, 5-16 and 18 are pending in this application. Claims 4 and 17 have been canceled.

Claims 1-3, 13-15 and 18 stand allowed.

Claims 5-11, and 16 were rejected.

Claim 12 was objected to.

Claims 1, 5, 6, 7, 12 and 13 are independent claims.

Reply to Rejections:

Claims 5, 6, 7 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Nobuo, et al. (JP 410234553A). This rejection, in view of the amendments to the claims, is traversed.

Claims 5, 6 and 7 have been amended to include the features of a menu stand. The menu stand is described in the description of Figures 8 and 9 in the specification.

It is submitted that Nobuo, et al. does not specifically or inherently disclose the structure of the menu stand and identifier as now recited in claims 5, 6 and 7.

Also, although the claims have been amended, there would be no motivating reason to modify Nobuo, et al. without the benefit of the Applicant's own disclosure. Furthermore, with the now recited structure, the conveyer-belt sushi system is enabled to count the amount of sushi, per kind of sushi and to identify the kind of sushi on the plate.

With respect to the dependent claim, this claim is considered patentable at least for the same reasons as its base claim.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. 102.

Second Rejection:

Claims 9, 10, 11 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nobuo, et al. (JP 410234553A) in view of Yuichi (JP 06314285A). This rejection is traversed.

These claims are dependent claims, depending on base claims and are patentable at least for the same reasons as their base or intervening claims.

In rejecting these claims, the Yuichi reference was combined with Nobuo, et al. The Yuichi reference does not cure the innate deficiencies of the rejection based on Nobuo, et al. even though a rejection under 35 U.S.C. 103 was used.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. 103.

Allowable Subject Matter

Claims 1-3, 13-15 and 18 stand allowed. Claim 12 was objected to but was indicated allowable if rewritten to include the structure of its base claim 7. Claim 12 has been amended and now includes the structure of original claim 7 and accordingly on its face, claim 12 should be allowed.

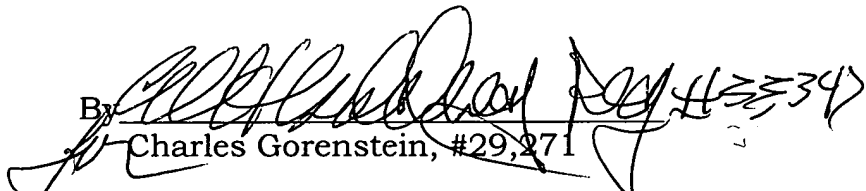
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
 Charles Gorenstein, #29,271

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

CG/EAG/lab
0033-0777P